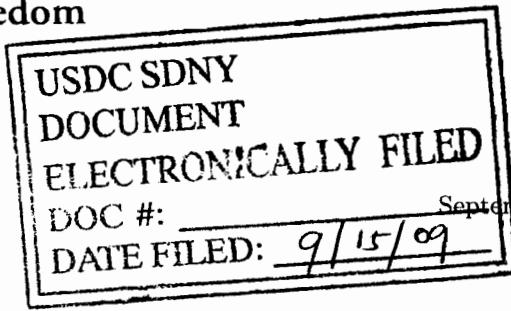


Software Freedom
Law Center



Hon. Denny Chin
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05 CV 8136 (DC)

Dear Judge Chin:

On September 8, 2009, the Software Freedom Law Center filed an objection, by the Free Software Foundation, Inc. and Karl Fogel, to the proposed settlement in Authors Guild, Inc., et al. v. Google, Inc., 05 Civ. 8136. Enclosed is a courtesy copy for your records.

Best regards,

A handwritten signature in black ink, appearing to read "Aaron Williamson".

Aaron Williamson
Counsel
Software Freedom Law Center

SEP 14 2009



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Counsel for Objectors Free Software Foundation, Inc.
and Karl Fogel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

The Authors Guild, Inc., *et al.*,

Civil Action No. 05 CV 8136-DC

Plaintiffs,

-against-

**OBJECTION OF FREE SOFTWARE
FOUNDATION, INC. AND KARL FOGEL
TO PROPOSED SETTLEMENT**

Google, Inc.

Filed Electronically

Defendant.

OBJECTION

We are writing on behalf of our client, the Free Software Foundation (FSF), which is a part of the proposed Author Sub-Class. The FSF is a Massachusetts non-profit that is recognized as a tax exempt entity under 501(c)(3). As part of the FSF's mission to promote computer user freedom and to defend the rights of all free software users, it publishes books and other materials to promote education about Free Software. All of the copyrighted materials published by the FSF, including the books that it writes, are distributed under Free licenses. The FSF is joined in its objection by Karl Fogel, also a member of the Author Sub-Class.

The purpose of the GNU Free Documentation License (the FDL), the license under which the FSF publishes its books, is "to make a manual, textbook, or other functional and useful document

otherwise addressed in a royalty arrangement.

The parties to the settlement have in essence replaced the United States Congress as the entity responsible for devising copyright law. Their market power in their respective markets has resulted in the negotiation of a secret deal that effectively replaces copyright law on all books with their contractual arrangements. This substitution is supposed to be rendered palatable to Class Members because they will be paid for their approval. But for Class Members whose reason for preferring the actual copyright law approved by Congress is that it has done less to subordinate the public's rights of using published works to the presumed public interest in granting privileges to parties involved in publishing them, the substitution of this private deal for public law is not merely a bad bargain, it is no copyright bargain at all.

We also object to the settlement on other grounds, including most prominently that the settlement is a private deal that gives a special competitive advantage to Google. As those objections have been addressed at length by others we do not discuss them fully here.

We urge the Court to reject the proposed settlement until these objections are addressed, including that terms are incorporated to protect the authors of freely licensed works and a framework is provided for the Book Rights Registry that respects the choice of authors to share their works.

Dated: New York, New York
September 8, 2009

Respectfully submitted,

SOFTWARE FREEDOM LAW CENTER, INC.

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